

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA, STATE
OF CALIFORNIA, STATE OF DELAWARE,
DISTRICT OF COLUMBIA, STATE OF MAINE,
COMMONWEALTH OF MASSACHUSETTS, and
STATE OF NORTH CAROLINA,

Plaintiffs,

v.

LOUIS DEJOY, *in his official capacity as United States
Postmaster General*; RON A. BLOOM, *in his official
capacity as Chairman of the Postal Service Board of
Governors*; and the UNITED STATES POSTAL
SERVICE,

Defendants.

No. 2:20-cv-4096-GAM

[PROPOSED] ORDER

This __ day of _____, 2021, upon consideration of Plaintiffs' Motion for Summary Judgment (ECF No. 119), Defendants' Cross-Motion for Summary Judgment (ECF No. ____), the responses and replies filed by the Parties, the evidence and argument presented by the Parties, and applicable law, it is hereby **ORDERED** that Plaintiffs' Motion for Summary Judgment is **GRANTED** and Defendants' Cross-Motion for Summary Judgment is **DENIED** as follows:

1. Plaintiffs' Motion for Summary Judgment is GRANTED.
2. JUDGMENT is ENTERED for Plaintiffs Commonwealth of Pennsylvania, State of California, State of Delaware, District of Columbia, Commonwealth of Massachusetts, State of Maine, and State of North Carolina, and against Defendants Louis DeJoy, in his official capacity as United States Postmaster General, Ron A. Bloom, in his official capacity as Chairman of the Postal Service Board of Governors, and the United States Postal Service, on Counts I and II of Plaintiffs' complaint.

3. Counts III and IV of Plaintiffs' complaint are DISMISSED WITHOUT PREJUDICE as moot.
4. It is DECLARED that Defendants exceeded their authority and acted in violation of 39 U.S.C. §§ 101, 403, and 3661 through their actions in and around July 2020 relating to cost-cutting efforts, including but not limited to their efforts to eliminate late and extra trips, for which they failed to seek an opinion from the Postal Regulatory Commission, as well as their implementation of work-hour reduction strategies and "do-it-now" strategies.
5. Defendants Louis DeJoy, in his official capacity as United States Postmaster General, Ron A. Bloom, in his official capacity as Chairman of the Postal Service Board of Governors, and the United States Postal Service, and their agents, designees, and subordinates, as well as any person acting in concert or participation with them, are hereby PERMANENTLY ENJOINED from:
 - a. Implementing and enforcing the July 2020 initiative to eliminate late and extra trips, including but not limited to the directive designating all extra trips and Postal Service-caused late trips unauthorized contractual commitments;
 - b. Implementing and enforcing any effort to prohibit or eliminate late and extra trips—including any directive designating late and extra trips unauthorized contractual commitments—without first obtaining an advisory opinion from the Postal Regulatory Commission, as required by 39 U.S.C. § 3661; and
 - c. Implementing and enforcing any work-hour reduction strategy, "do-it-now" strategy, or similar strategy or initiative to cut costs without first:
 - 1) Giving the highest consideration to the expeditious collection, transportation, and delivery of important letter mail, including first-class mail and other important letter mail;
 - 2) Ensuring, prior to implementing any such strategy or initiative and after conducting an analysis or pilot program, that such strategy or initiative will not negatively impact the ability of the Postal Service to provide adequate and efficient postal services and to meet service standards and service performance targets, taking into consideration current and near-future events that are impacting, or may impact, Postal Service operations; and
 - 3) Clearly and consistently communicating the strategy or initiative to the relevant field offices and/or Postal Service employees.
6. Defendants Louis DeJoy, in his official capacity as United States Postmaster General, Ron A. Bloom, in his official capacity as Chairman of the Postal Service Board of Governors, and the United States Postal Service, and their agents, designees, and subordinates, as well as any person acting in concert or participation with them, SHALL:

- a. Utilize late and extra trips as necessary to meet service standards and service performance targets and to minimize mail delays;
- b. Inform all relevant Postal Service employees (i.e., all Postal Service employees who are in any way involved, or who were involved prior to July 2020, in decisions to request or approve the holding of a truck or the scheduling of an extra trip) that holding a truck or ordering an extra trip no longer constitutes an unauthorized contractual commitment; and
- c. Inform all relevant Postal Service employees (i.e., all Postal Service employees who are in any way involved, or who were involved prior to July 2020, in decisions to request or approve the holding of a truck or the scheduling of an extra trip) that the use of late and extra trips is authorized, permissible, and encouraged when necessary to meet service standards and service performance targets or to minimize mail delays.

Gerald Austin McHugh
United States District Judge